

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ORDER AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

In reliance upon the representations set forth in Application (Docket Entry 1), the Court finds that Plaintiff has shown eligibility to proceed as a pauper, pursuant to 28 U.S.C. § 1915(a). However, pursuant to 28 U.S.C. § 1915(e)(2), Plaintiff's Complaint (Docket Entry 3), fails to state a claim against the individual defendants and any such claims should be dismissed, with issuance of a summons only to occur as to Panera Bread. See Lissau v. Southern Food Serv., Inc., 159 F.3d 177, 181 (4th Cir. 1998).

IT IS THEREFORE ORDERED that Plaintiff be, and is hereby, permitted to commence said proceeding in this Court without prepayment of fees or costs, or giving security therefor.

IT IS FURTHER ORDERED that Plaintiff is responsible for preparing and delivering to the Clerk, the correct summons for service for Panera Bread, including the correct address and the name and title of the individual to be served on its behalf. Failure to prepare and deliver said summons within 15 days from the date of this Order will result in this case being dismissed without further notice.

The United States Marshals Service shall serve the Summons and Complaint upon Panera Bread.

IT IS RECOMMENDED that the Court dismiss any claim against all defendants other than Panera Bread.

This the 28th day of November, 2014.

/s/ L. Patrick Auld
United States Magistrate Judge